

REMARKS

The following arguments are the same as those in the Response filed on January 11, 2005.

Pending Claims

Claims 1-22 are pending. Claims 3, 4, and 9-22 have been withdrawn from consideration. Claim 2 has been canceled without prejudice. Claim 1 has been amended to more clearly specify the invention. Amendments are supported by, for example, Figs. 2-4 and corresponding descriptions in the specification. No new matter has been added.

New dependent claim 23 has been added. Support for the claim can be found in Figs. 1 and Fig. 3 and their corresponding description in the specification. No new matter has been added.

Drawings

Figs. 1 and 6 have been amended as stipulated. Withdrawal of the rejection is respectfully requested.

Rejection of the Specification under 35 USC §112

The specification has been rejected under 35 USC §112, first paragraph, for being unclear, inexact, or verbose at various sections. The specification has been reviewed and amended to further clarify the specification. No new matter has been added.

The three-dimensional portion includes (1) two connecting portions and (2) a skin-contactable portion, as set forth in original and amended claim 1. Applicants believe that the terms have been consistently used throughout the specification. The phrase, "a width of 20 to 40 mm between the free ends...," of claim 7 clearly refers to the skin-contactable portion of the three-dimensional portion because the skin-contactable portion is defined to have a pair of free ends in claim 1. Thus, claim 7 is consistent with the description on page 33, lines 13-18.

Claim Objections

Claim objections have been addressd by amending claims 1 and 5 appropriately. Withdrawal of the objections is respectfully requested.

Claim Rejections – 35 USC §102

Claims 1, 2, 5, and 6 have been rejected under 35 USC §102(b) as being anticipated by Kimura, PCT WO 97/450082 (Kimura). However, Applicants respectfully submit that Kimura does not anticipate the presently claimed invention for at least the following reasons.

Claim 1 recites as follows:

Claim 1 (currently amended) A hygienic absorbent article comprising:

a main body including a back layer and an absorbent layer having two side edges extending in a longitudinal direction of the article and laid on the back layer;

a three-dimensional portion extending in the longitudinal direction of the article over the absorbent layer and including two connecting portions allowed to rise from two fixed ends where the three-dimensional portion is fixed to the main body and a skin-contactable portion extending from upper ends of the connecting portions to have free ends located closer to the side edges of the absorbent layer than the fixed end, both the fixed ends and the free ends being located over the absorbent layer, the three-dimensional portion being formed of a liquid-permeable material, which is folded back upon itself at the individual free ends; and

a plurality of elastic members disposed between and fixed to confronting faces of the folded liquid permeable sheet and extending in the longitudinal direction of the article for applying a longitudinal elastic contractive force to the three-dimensional portion so that the three-dimensional portion is allowed to rise with the free ends of the skin-contactable portion spaced above the main body while being anchored at the fixed ends to the main body,

wherein at least two elastic members are located at the free ends and at least two elastic members are spaced inward from the elastic members located at the free ends.

(Emphasis added.)

At least the bolded features above are not disclosed, taught, or suggested by the cited prior art, Kimura. Kimura shows only two elastic members 50 attached to the corners of the barrier cuff 40. In contrast, in the present invention as set forth in claim 1, there are at least four elastic members disposed between and fixed to the confronting faces of the folded liquid permeable sheet. Kimura's two elastic members 50 are not disposed between and fixed to the confronting faces of the barrier cuff 40.

The present invention as set forth in claim 1 with at least four elastic members disposed at the free ends and inward from the free ends has a relatively greater stiffness because of the particular dispositions of the elastic members. This configuration improves stability of the skin-contactable portion to the skin of the user.

Thus, at least for the above reasons, claim 1 is not anticipated by Kimura. Dependent claims 5-8 are not anticipated for at least the same reason as claim 1.

Claim Rejections – 35 USC §103

Claims 7 and 8 have been rejected under 35 USC 103(a) as being unpatentable over Kimura in view of Mayer et al., H1614 (Mayer).

Kimura does not disclose, teach or suggest the bolded features of claim 1 as described above. Mayer also does not disclose the bolded features. That is, Mayer does not disclose, teach, or suggest at least four elastic members disposed between and fixed to the confronting faces of the folded liquid permeable sheet.

Therefore, Kimura in view of Mayer does not disclose, teach, or suggest the features of claim 1. Therefore, claims 7 and 8 which depend from claim 1 indirectly are also not disclosed taught, or suggested by the cited prior art references for at least the same reasons as claim 1. A

person of ordinary skill in the art would not have found claims 7 and 8 obvious from Kimura in view of Mayer.

New Claim

New claim 23 describes that the three-dimensional portion is fixedly and entirely attached to the main body at the longitudinal ends of the main body. Fig. 3 shows this state of the three-dimensional portion. This configuration imparts security and stiffness to the rest of the three-dimensional portion. The three-dimensional portion of claim 23 containing the elastic members and the skin-contactable portion fixedly attached to the main body is not disclosed, taught, or suggested by the cited prior art references.

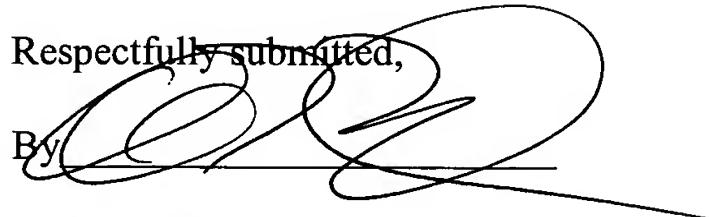
Summary

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By



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AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Figs. 1 and 6. The line leading from reference 3a has been amended to be dashed. No new matter has been added.